

Communications
Workers of America
AFL-CIO, CLC

501 Third Street, N.W.
Washington, D.C. 20001-2797
202/434-1100



July 22, 2013

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Dear Ms. Dortch:

RE: Ex Parte Notice. In the Matter of Structure and Practices of the Video Relay Service Program. CG Docket No. 10-51

On July 17, Norma Villegas and Mary Jane Moore, video interpreters who are also members of the Communications Workers of America (CWA), Judith Kroeger, a member of the National Interpreter Action Network, Naomi Sheneman, a deaf consumer, Pia Badusev, CWA Staff Representative, and Debbie Goldman, CWA Telecommunications Policy Director, met with Karen Peltz Strauss, CGB Deputy Bureau Chief, Greg Hlibok, Chief, Disability Rights Division, Robert Aldrich, CGB legal advisor, Elaine Gardner, legal advisor, Helen Chang, CGB Section 504 Officer, and Traci Randolph, Telecommunications Accessibility Specialist, Enforcement Bureau.

The purpose of the meeting was to discuss how Commission regulations and policies concerning Video Relay Service impact the quality of service that video interpreters are able to provide to consumers. As the FCC aims to bring provider reimbursement rates in line with cost, the FCC must ensure that this does not lead providers to impose quality-impacting work speed-up. Video interpreters are a relatively small community and share information with each other; the CWA delegation stressed that their concerns are taking place across the industry.

The Communications Workers of America represents video interpreters at four Purple Communications call centers located in San Diego CA, Oakland CA, Tempe AZ, and Denver CO. The video interpreters explained that they sought union representation in order to have a voice in alleviating what had become stressful and unsafe working conditions, conditions that make it more difficult to provide quality interpretation services to consumers. The video interpreters gained union representation in these call centers in November 2012 and are currently negotiating a first contract.

The video interpreters detailed the changes that have taken place in the working conditions at

the Video Relay Service (VRS) call centers in recent years and the impact that these changes have had on interpreters' ability to provide quality service. In 2008, VRS was considered a great place to work. Working in a center provided the opportunity for interpreters to get to know and learn from each other. In 2008, the Key Performance Indicators (KPIs) that the interpreters were required to meet allowed them to do a quality job. One KPI is called the log-in requirement, which is the amount of time an interpreter is logged into the system ready to receive calls. (The log-in requirement also includes the time an interpreter is connected with one party while waiting for the connection with the second party, the time the phone is ringing, receives busy or fax signals, and the time an interpreter teams as support for another interpreter.) Another KPI is called billable minutes. This measures the amount of air time in which an interpreter is actually connected and interpreting. The log-in and billable minute KPIs in 2008 were set at reasonable levels, giving interpreters time between calls to debrief with a colleague, provide feedback and discuss ways to improve their performance, and a needed break to ease strain on their hands and eyes.

In 2010, the log-in requirement was increased by 7.3 percent. Then, in Oct. 2012, the log-in requirement was raised an additional 6.7 percent during core hours and an additional 13.3 percent during non-core hours, which include late evenings and weekends. Over these two years, then, the log-in requirement increased a total of 14 percent for core hours and 20.6 percent for non-core hours. Non-core hours can be very busy, yet under the current performance indicator, in both core and non-core hours there are very few minutes off-line during an hour of interpreting. Research in the field of spoken language video interpretation has found that interpreter performance declines after 15 minutes of interpreting; the current log-in and billable minute KPIs are significantly above this standard.¹

The CWA delegation explained the impact of this speed-up on interpreters. There is no time for proper debriefs after physically, emotionally, or draining calls due to constant pressure to meet the productivity increases. There is very limited time to rest one's hand, get a drink of water, use the restroom, and handle requests from managers. There has been an increase in worker injuries. Video interpreters use wrist splints and apply ice to their wrists with more frequency. In one center alone, one interpreter has carpal tunnel syndrome, another has a doctor's note regarding work-related injuries, and another went on leave with a workers' compensation claim. The employer responded by providing interpreters with ice packs, ibuprofen, and Biofreeze to alleviate the video interpreters' pain.

As a result, some full-time video interpreters have requested to become part-time interpreters so they can pursue better working environments. Others are leaving VRS or the profession

¹ In a study of remote interpreting, Barbara Moser-Mercer found that "[T]he onset of fatigue under remote conditions, as evidenced by a decrease in performance, appears to occur fairly soon after "half-time", i.e. somewhere between 15 and 18 minutes into a 30-minute turn. Quality of performance then declines consistently irrespective of time of day." See Barbara Moser-Mercer, "Remote Interpreting: assessment of human factors and performance parameters," 2003 (available at http://aiic.net/page/1125#authors_bio).

altogether. Video Relay Service is no longer seen as a good job option mainly due to these speed-ups. The exodus of skilled interpreters further shrinks the pool of available interpreters in VRS and in the community. They are replaced by less experienced and lower-skilled interpreters. This can result in more errors and increased cost in terms of billable minutes. Calls take longer because of the need to clarify communications, and lack of the broad base of knowledge needed to process the myriad of contexts that come through the queue every day.

The employer has also been cutting benefits to part-time workers, who make up a large part of the work force. In 2008, part-time interpreters who worked a minimum of 20 hours per week received affordable health, vision, and dental benefits as part of their compensation package. In Feb. 2009, the employer increased the employee co-pay on benefits by 100 percent, and increased the number of hours part-timers' were required to work to receive benefits to 24 hours a week. In May 2011, the employer stopped paying health benefits for part-timers. (Part-time interpreters are now called "non-benefitted" interpreters.)

In early 2010, Purple reduced interpreters' pay by 33 percent over a six-week period to pay for the \$18 million the FCC required Purple to repay as a non-reimbursable expense. (Upper management also took a cut in pay for this period.) Soon after, the employer reduced the wages of interpreters by five percent. The employer has not raised wages since that time. Moreover, when the employer re-opened the Long Beach CA call center, interpreters' wages in that center were reduced by about \$10-15 an hour.

Ms. Sheneman, a deaf consumer who is also a doctorate student at Gallaudet University, echoed the concerns expressed by the video interpreters. She shared the results of a recent survey conducted by Kathryn Bower of Gallaudet University on "Stress and Burnout in Video Relay Service (VRS) Interpreting." The results of the survey of 424 video interpreters were presented at the Gallaudet University's Department of Interpretation's Masters' Program Research Seminar on May 10, 2013. The survey found:

- 76 percent of respondents said they have experienced burn-out. Among these, seven percent quit their VRS position due to burn-out.
- The top five reasons for stress were angry consumers, not enough time between calls, 911 calls, concern about physical strain, and interpreting calls with limited contextual information.
- Respondents also provided these additional comments: They feel they are treated like machines; there is inadequate support from management; there is no time to recover between calls; and they experience ergonomic strain, physical pain, and emotional trauma.
- Suggestions for improving working conditions included: reduce the call volume, provide more breaks, provide more teaming and debriefing opportunities, and adopt more flexibility in the Key Performance Indicators.

The CWA delegation also discussed technology issues that impact the quality of service

interpreters provide to customers. For example, there is a delay in the time between when a consumer places a call and the call is routed through the automatic call dialer (ACD) to connect with the interpreter. This slows down the average speed of answer (ASA), yet as the FCC increases the ASA rates, the provider places the burden on the interpreter through speed-up in the Key Performance Indicators. Video quality also impacts the duration and success of a call. When the video feed is less than adequate, the interpreter and consumer spend additional time negotiating both prior to and during a call, thus generating additional costs and strain on the interpreter and consumer.

The CWA delegation noted that the Commission's consumer complaint reporting mechanisms can be improved. Many deaf consumers are either unaware that they can offer feedback or do not know how to offer feedback. The providers' websites do not have forms for feedback that can be given either in ASL, Spanish, or English. Rather, providers expect consumers to call customer service, but with hold times of 5 to 15 minutes, many consumers decide to forego the opportunity to complain or give feedback. In addition, once the call is disconnected, the number identifying the interpreter is gone, so consumers cannot provide interpreter-specific feedback if they did not write down the interpreter number during the call.

The CWA delegation urged the FCC to improve the mechanisms for collecting constructive feedback as well as other data reporting. For example, the FCC should require providers to provide data on average speed of answer (ASA) that differentiates between the time it takes to connect the consumer to the call center (a technology issues) and the time taken after that to connect to the interpreter within the call center (a staffing issue). In addition, the FCC should require providers to provide injury rates and workers' compensation data. The FCC should collect data that allows the FCC to identify the underlying reason for consumer complaints, e.g. technology problem, interpreter experience level, understaffing, etc.

CWA looks forward to the opportunity to expand on these and other issues in comments in response to the Further Notice of Proposed Rulemaking in this proceeding.

Sincerely,

A handwritten signature in black ink, reading "Debbie Goldman". The signature is fluid and cursive, with the first name "Debbie" and last name "Goldman" clearly legible.

Debbie Goldman
Telecommunications Policy Director
Communications Workers of America

cc: Karen Peltz Strauss, Greg Hlibok, Robert Aldrich, Elaine Gardner, Helen Chang,
Traci Randolph